

JURY SECURED; TAKING OF TESTIMONY BEGINS

First Witness, John Bock, Gives Some Damaging Evidence Against Frank White, Slayer of Charles Black.

With the securing of a jury, which was accomplished before adjournment for the noon hour in the district court yesterday, the taking of testimony in the case of Frank White, charged with the murder of Charles Black, began.

The jury was not secured, however, until the defense had exercised four peremptory challenges and the prosecution three. The jury which will try the case is made up of the following:

E. P. Clendennin, A. J. Daniels, Warren H. Bond, William Parker, G. N. Derringer, William G. Cook, Milton H. Hatton, J. H. May, D. H. Walker, George Falkenstein, Fritz Tobac and A. J. Gingle.

Taking of testimony began immediately after the noon recess and the first witness called by the state was John Bock, who stated that he lived in a cabin about 200 feet in the rear of Black's cabin. About six o'clock in the evening of the 11th of April his attention was attracted by loud talking in the direction of the Black cabin. He immediately went to the door of his cabin and saw Black in the act of coming out and White advancing with a double-barreled shotgun leveled at Black, calling upon him to come out and continuing to abuse him as he advanced. Black walked some six or eight feet from the cabin door and then stood still until White had advanced to within fifteen feet of him. At this point the two men engaged in a wordy altercation, White all the time keeping his gun leveled upon Black. White was very

angry and loud and abusive in his language, while Black seemed to be in a conciliatory mood. The discussion appeared to be about the right to the possession of a tent, situated about 25 feet in the rear of Black's cabin, which was used as a stable. Toward the close of the quarrel Black made the remark that he had a stove in the stable that he would want to take out, whereupon White, with his gun still in readiness to be fired, told Black that he had been in that stable for the last time and immediately discharged the left barrel of the gun into Black's face. Black was evidently killed instantly, as he never moved after he fell.

The witness was clear and emphatic in his statements to the effect that throughout the incident Black used no threats and made no demonstrative motions. After shooting White proceeded to the house of a man named Patterson, the witness following him up, where he delivered the shotgun to Patterson with the remark: "Here's your gun; I've shot Black and I've shot him good and hard." On cross examination the witness testified that a few moments before the fatal shot Black thrust his right hand into the pocket of his overalls, but did not withdraw it, and fell with his hand still in his pocket.

Bock was on the stand all afternoon and at the time of adjournment had completed his testimony. Who will be the first witness at this morning's session has not been announced by counsel for the state.

Supreme Court Called Upon to Decide More Points On Primary Law

The decision of the supreme court on the direct primary law was the sole topic of conversation all day yesterday. Early in the morning plans were prepared for taking advantage of all loopholes afforded under the decision in several quarters. Politicians began to get busy and frame-ups were started that would defeat the intent of the law and in cases make the nomination equivalent to election.

County Clerk Patterson, who has made a deep study of the law, and who is always on the job, immediately got busy and engaged counsel to appear before the supreme court and apply for a rehearing. In the meantime he posted himself on several matters bearing on the intent of the legislature with reference to the operation of the law, and was prepared to show that the decision of the court was at variance with the spirit of the law.

The news of Patterson's action soon spread and activity along the line of ward politics came to a standstill. Those directly interested in the campaign sought all sorts of legal advice on the question and bided their time until the court would hear the application for a rehearing.

Pearls Ellis opened the case with a discussion as to the true intent of the legislature in the primaries and proceeded along the lines that nowhere in the Act was there anything that would allow a voter to write in the name of any person of his choice. He contended that the law was direct and specific as to nominations and that no one had a right to nomination who had not followed the provisions set forth regarding petitions.

County Clerk Patterson was called upon to express his views before the court, and in a concise statement explained his position in the matter. His statement followed the lines of Ellis' argument, setting forth his views as to lawful nominations.

Deputy Attorney General Fowler then took up his side of the case and argued that the law allowed the voter to express his choice in the cases of all offices, as is the case in California. At this point Justice Sweeney took a part in the discussion and asked several questions of Fowler bearing on the in-

terpretation of that section and propounded several hypothetical questions. Fowler occupied the floor for a considerable length of time in an endeavor to show that the law did not specifically prohibit the writing in of names and quoted from decisions of other states in support of his contentions.

Justice Talbot then took a hand in the questioning and asked Fowler if he would be satisfied if the order of the previous day were so modified that it would permit a voter's writing in the names for county committeemen and no others. Fowler then started on another discussion and the question was repeated. He expressed his willingness to abide by the decision of the court, and a recess was taken for the purpose of considering the matter before the court.

During the discussion a telegram was presented from the county clerk of Eureka county stating that the official ballots had been printed and that if the decision of the previous day were upheld it would require more paper. The known shortage of proper paper for official ballots arose like a nightmare and a news reporter was called on to state whether the new form, if one were necessary, could be printed on the back of the ballots run off. It was shown that every ballot bears a printed endorsement on the back and that such a course would be impracticable. It appears that some of the county clerks have been overzealous in having the official ballots turned out on time and that complications may arise therefrom in case the application for a rehearing is denied.

Under the terms of the law any person has the right to protest against the form of correctness of a sample ballot up to ten days before the day set for the primary election. It is evident that some flaws must be found in the workings of the new law, and where many county clerks have the preparation of ballots in charge, differences are bound to occur. When ballots are printed hastily complications are bound to arise in a case of this kind where the workings of an entirely new law are being tried.—Carson News.

be followed in the primaries this time without fail, as, since the first opinion, the members of the court have studied the matter over carefully and have many significant peculiarities of the Nevada law pointed out.

The decision will place the matter back in the light it has been viewed for some time previous to the first opinion. Since the passage of the law it was understood generally that there was to be no writing on the ballot except the name of the county central committeeman, and only in his case, because there was no provision made for his nomination by petition.

The court states that because no other way was provided, one may write in the name of his choice for county committeeman, but he must not forget to stamp a cross after it. A voter may not write in the name of a candidate simply because he observes that there is a blank space apparently for that purpose. He may not write a name in even if the name of the office is printed on the ballot—say justice of the supreme court—as is the case with the Democratic primary ballot.

If it happens that the ballot contains the designation of an office for which there are no aspirants with names printed on the ballot, the court regards this as mere surplusage and no harm.

The first decision set the wheels of many a shrewd plot a-working and the second and final decision will create as much of a sensation by stopping these plans. There were all sorts of smooth tricks up the ample sleeves of the politicians but they are spoiled now.

PERSONAL MENTION

Robert Stewart, of Sodaville, is in Tonopah for a few days' visit. W. J. Sinclair left yesterday morning for a brief visit to Reno. John F. Davidson of Round Mountain is a late arrival in Tonopah.

E. S. "Kid" Highley passed through Tonopah yesterday en route to Reno.

Walter C. Lamb, of the lease of that name at Manhattan, is in town for a few days.

A. L. Pierce, a Democratic candidate for county commissioner of Esmeralda county, is over from Goldfield.

J. V. Priest is in from Manhattan, superintending the loading of machinery for his company's mill at the northern camp.

Mrs. Thomas Gallagher was a passenger on yesterday's train from San Francisco, on a visit to her daughter, Mrs. W. J. Wilson.

Miss Anna Bradley and mother returned yesterday from a three months' visit to southern California points.

Henry Schmidt, one of the Democratic candidates for the assembly from this county, has returned from a campaigning tour in the southern part of the county.

T. F. M. Fitzgerald, general foreman for the Belmont company, went to Goldfield yesterday to meet his wife, who had arrived at that point from Colorado. She, with her husband, will make their home in Tonopah.

WILL SINK TO GREATER DEPTH

BELMONT WILL LET CONTRACT TO DROP SHAFT ANOTHER 400 FEET.

It has been stated on what is believed to be reliable authority that the Belmont company is preparing to let contracts to sink its new enlarged shaft to a further depth of 400 feet, which will give it a total depth of over 1500 feet. It is probable also that as fast as each lift of 100 feet is dropped that crosscuts will be run to the big ledge that has been developed between the 600 and 1160 levels, and which in the bottom is producing ore better than any that has ever been taken out of the mine.

The Belmont's productivity now depends to a great extent on the new equipment that is going in and when that is in active operation the Belmont will begin to make records that will astonish the mining world.

THE CASINO.

Commencing Monday, August 22, the De Whites in their latest and best double act. Also the Dixie Belle in Southern imitations. 8-23-4t.

MORE MACHINERY FORWARDED

Teams were loading at the depot yesterday with more machinery for the company which is enlarging the Lemon mill at Manhattan. The teams will probably start for that camp today.

Fresh milk and cream. Tonopah Dairy. 1t

MARKSMEN.

All good marksmen should try for the prize, the novelty high score, this week at Charlie's shooting gallery. 8-23-6t.

REGISTER AT ONCE, YOUR VOTE IS NEEDED AT THE PRIMARIES

VOTERS WHO EXPECT TO EXERCISE THEIR RIGHT OF VOTING AT THE PRIMARIES IN THE SELECTION OF CANDIDATES, AND THOSE WHO DESIRE TO VOTE AT THE GENERAL ELECTION IN NOVEMBER ARE WARNED THAT THEY CANNOT DO SO UNLESS THEIR NAMES APPEAR ON THE OFFICIAL REGISTER FOR THE PRECINCT IN WHICH THEY EXPECT TO VOTE. THE MATTER SHOULD NOT BE LEFT TO GUESSWORK AND IT SHOULD NOT BE DELAYED. BUT A SHORT TIME REMAINS TO REGISTER FOR THE PRIMARIES. IS YOUR NAME ON THE LIST?

MACHINERY FOR THE BELMONT NOW ARRIVING

Machinery for the Belmont's new equipment is beginning to arrive at the freight depot and probably before the end of the month it will all be here. Parts of the new steel gallow's frame arrived the early days of the week and have been taken to the mine.

Mr. Willocks, the master mechanic from Minneapolis, who has been installing the new plant, will leave in a few days for one of the mining camps outside of Salt Lake, where his firm is installing a mammoth plant, but he will return later and finish the work at the Belmont.

LEAVES TODAY.

Grant Murphy, who has been in Tonopah the last few days from Georges canyon, leaves today for that camp, taking with him a wagon load of supplies and pipe. The latter will be used for ventilating purposes in the property he is working in that section.

YESTERDAY'S BASEBALL

National League.
At Pittsburgh — Brooklyn, 2; Pittsburgh, 4.
At Chicago — New York, 1; Chicago, 2.
At Cincinnati — Philadelphia, 1; Cincinnati, 8.
American League.
At Philadelphia — St. Louis, 0; Philadelphia, 6.
At Boston — Cleveland, 0; Boston, 3.
Coast League.
At San Francisco — Los Angeles, 1; Oakland, 0.
At Portland — San Francisco, 0; Portland, 5.
At Vernon — Sacramento, 3; Vernon, 0.

INFORMATION WANTED.
Wanted, to know the whereabouts of Eileen G. McLaughlin, who resided at Tonopah opposite McMurry mines when last heard from, 1907. The responder will confer an exceptional favor to her father. Address care of P. O. Box 201, Indianapolis, Ind.

NEW BELL ARRIVES.
The new bell for the Catholic church has arrived and yesterday was given its first try-out by Father Butler.

PROFESSIONAL CARDS.

J. A. SANDERS
Attorney-at-Law.
Will practice in all courts of the State.
Office: Tonopah Block.

KENNETH J. BOOTH
NOTARY PUBLIC
TONOPAH BONANZA OFFICE
Tonopah - - - Nevada

CAMPBELL, METSON & BROWN
ATTORNEYS-AT-LAW.
State Bank and Trust Co. Building.
TONOPAH, NEVADA.

C. H. MCINTOSH H. R. COOKE
McINTOSH & COOKE
ATTORNEYS
Offices—Tonopah Bldg., Tonopah, Nev.
NOTARY IN OFFICES.

KEY PITTMAN,
Attorney-at-Law, State Bank Bldg.,
Tonopah, Nevada.

STEVENS & VAN PELT,
Associates, Rawhide, Nevada.

JAMES G. SWEENEY.

Hereby announces his candidacy for the Democratic nomination for U. S. SENATOR, subject to the will of the voters of the Democratic party at the primaries to be held on the 6th day of September, 1910.

CLASSIFIED ADS.

Advertisements in this Column are 10 cents per line, each insertion. Five words to the line.

FOR RENT—Furnished 3 and 4 room houses. M. A. Williams.

FIRST-CLASS board and room at the Florence house, opposite the Celtic, Florence avenue. 7-23-1f.

WANTED—Roomers at the Florence house, opposite the Celtic, Florence avenue. 7-23-1f.

THREE and four-room houses for sale and rent, furnished and unfurnished. Inquire Tonopah Lumber company. Phone 1632. 8-7-1f.

FURNISHED ROOMS—Nicely furnished rooms can be had at the Florence house on Florence avenue. With or without board. 7-23-1f.

FOR SALE—One new two-horse power Wagner 60-cycle, single phase, electric motor; starter and fixtures complete. Address B. Bonanza office.

J. STARK, M. D.

Specialty—Appendicitis, Asthma and Rheumatism.

1410 Eighth St., Oakland, Cal.

95 PER CENT RECOVER.

Our want ads bring results.

THE TONOPAH BANKING CORPORATION

CAPITAL FULLY PAID \$250,000
Exchange bought and sold on all Cities of the World. We are prepared to furnish all accommodations to patrons which come within sound banking rules, and we solicit your business from this standpoint.

OFFICERS AND DIRECTORS.
George S. Nixon, President; F. M. Lee, Vice-President; Eugene Howell, Cashier; R. C. Moore, Assistant Cashier; H. C. Bronger, R. B. Govan, W. J. Harris.
OUT OF TOWN ACCOUNTS GIVEN PROMPT ATTENTION.

NEVADA FIRST NATIONAL BANK OF TONOPAH... United States Depositary

BIG VARIETY SHOW

AT THE BIG CASINO

ENTIRE CHANGE OF PROGRAM EVERY MONDAY NIGHT
ADMISSION FREE

The Famous Schlitz Beer on Draught — Received by Carload Direct.

GOLD MEDAL FLOUR - A NEVADA PRODUCT FOR NEVADA PEOPLE

Every sack absolutely guaranteed to consumer. To be had at all stores. Ask for it and insist on getting this. Accept no other as a substitute.

McLEAN & McSWEENEY, Distributors.

FRESH MEATS

FISH - and - POULTRY
We Handle Only First-Class Nevada Beef
TONOPAH-GOLDFIELD MEAT MARKET

Court Reverses Itself On Former Decision

RENO, Nev., Aug. 26.—At 10:15 last night the supreme court, following a rehearing on the interpretation of the primary law, with respect to the method of voting, handed down an opinion practically reversing its former opinion given a few days ago, so that now it is decreed that no names may be written on a primary ballot but the names of county committeemen. It is further stated that if there are no nominating petitions on file for any certain office that there is no particular necessity for putting the name of that office on the ballot. If the name happens to be printed in it does not matter much anyhow. The new opinion will doubtless